

OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES
STATE OF TEXAS
AUSTIN, TEXAS 78701

FILED FEB 5 1997

H.B. No. 1016

By Robert Abbott

A BILL TO BE ENTITLED

AN ACT

relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 26.0461(d) and (h), Water Code, are amended to read as follows:

(d) A fee imposed under this section may not be less than \$100 or more than \$5,000 [~~\$2,000~~].

(h) A fee collected under this section shall be deposited in the State Treasury to the credit of a special account to be used only for the commission's Edwards Aquifer programs [~~the--water quality-fund~~].

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

HOUSE COMMITTEE REPORT

1st Printing

97MAR-5 AM11:55
HOUSE OF REPRESENTATIVES

By Puente

H.B. No. 1016

A BILL TO BE ENTITLED

AN ACT

relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 26.0461(d) and (h), Water Code, are amended to read as follows:

(d) A fee imposed under this section may not be less than \$100 or more than \$5,000 [~~\$2,000~~].

(h) A fee collected under this section shall be deposited in the State Treasury to the credit of a special account to be used only for the commission's Edwards Aquifer programs [~~the--water quality-fund~~].

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

COMMITTEE AMENDMENT NO. 1

Amend HB 1016 in Section 1 by striking proposed subsection (h) of Section 26.0461 of the Water Code, page 1, lines 10 through 13, of the bill, and inserting the following words in its place:

"(h) A fee collected under this section shall be deposited in the State Treasury to the credit of the water quality fund to be used only for the commission's Edwards Aquifer programs."

Counts

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

2/26/97
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES

to whom was referred HB 1016 have had the same under consideration and beg to report back with the recommendation that it

- ☐ do pass, without amendment.
☒ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
☒ yes ☐ no A fiscal note was requested.
☐ yes ☒ no A criminal justice policy impact statement was requested.
☐ yes ☒ no An equalized educational funding impact statement was requested.
☐ yes ☒ no An actuarial analysis was requested.
☐ yes ☒ no A water development policy impact statement was requested.
☐ yes ☒ no A tax equity note was requested.
☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor _____

Joint Sponsors: _____ / _____ / _____

Co-Sponsors: _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Counts, Chair	X			
Walker, Vice-chair	X			
Cook	X			
Corte	X			
Culberson	X			
King	X			
Lewis				X
Moffat	X			
Puente	X			

Total 8 aye
 0 nay
 0 present, not voting
 1 absent

David Counts
CHAIR

BILL ANALYSIS

NATURAL RESOURCES

H.B. 1016

By: Puente

2-26-97

Committee Report (Amended)

BACKGROUND

Water Code §26.046 authorizes the Texas Natural Resource Conservation Commission ("TNRCC") to impose fees for processing plans subject to review under the agency's rules for the protection of the Edwards Aquifer and the inspection of projects in those plans. The plans for which fees may be imposed are water pollution abatement plans, plans for sewage collection systems, and plans for storage facilities of hydrocarbons or hazardous substances.

The applicable TNRCC rules, codified in 30 TAC Chapter 213, regulate activities having the potential for polluting the Edwards Aquifer and hydrologically connected surface streams.

Currently, the TNRCC has limited funds for the Edwards Aquifer program. During annual TNRCC hearings on the Edwards Aquifer, persons concerned with Aquifer protection commented that compliance could be better monitored if more funds were available for the Edwards program. Program fees specifically targeted for the Edwards program would help remedy the problem of limited funding for Edwards Aquifer pollution prevention.

PURPOSE

To allow fees collected from the Edwards Aquifer to be increased and to deposit them in a special account to be used specifically for the TNRCC's Edwards Aquifer programs.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency or institution.

SECTION BY SECTION ANALYSIS

SECTION 1: Amends Sections 26.0461(d) Water Code by raising the ceiling on fees that may be charged from \$2,000 to \$5,000; and (h) providing that fees collected for processing submitted plans will be deposited in the treasury and credited to a special account to be used only for TNRCC's Edwards Aquifer programs.

SECTION 2: Emergency Clause

EXPLANATION OF AMENDMENTS

Committee Amendment #1: Amends proposed subsection (h) of Section 26.0461 of the Water Code, Section 1 of the bill, by removing the language creating a special account in which fees shall be deposited, and reinstating the language in existing law that provides for their deposit in the water quality fund.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 4, 1997

To: Honorable David Counts, Chair
Committee on Natural Resources
House
Austin, Texas

IN RE: House Bill No. 1016,
Committee Report 1st House, as
amended
By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1016-Committee Report 1st House, as amended
--

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would allow an increase, from \$2,000 to \$5,000, in the maximum fee that the Texas Natural Resources Conservation Commission (TNRCC) could impose to review and approve applications for real estate development over the Edwards Aquifer. The bill would require that all such fees currently collected and deposited to the Water Quality Account be used for TNRCC's Edwards Aquifer programs.

Methodology

The existing cap of \$2,000 per application has produced about \$622,000 in revenue for the Water Quality Account, whereas TNRCC's current annual program costs are \$911,250. By raising the application fee cap to \$5,000, this bill would allow TNRCC to recover current program costs. TNRCC estimates the annual revenue from the higher fee to be \$991,300.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Water Quality Account/ GR-Dedicated 0153	Probable Savings/(Cost) from Water Quality Account/ GR-Dedicated 0153
1998	\$991,300	(\$911,250)
1999	991,300	(911,250)
2000	991,300	(911,250)
2001	991,300	(911,250)
2002	991,300	(911,250)

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar fiscal implications are expected to continue as long as the legislation is in effect.

No significant fiscal implication to units of local government is anticipated.

Since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses, the increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments .

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

February 25, 1997

To: Honorable David Counts, Chair
Committee on Natural Resources
House
Austin, Texas

IN RE: House Bill No. 1016
By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1016-As Introduced

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would allow an increase, from \$2,000 to \$5,000, in the maximum fee that the Texas Natural Resources Conservation Commission (TNRCC) could impose for the review and approval of applications for real estate development over the Edwards Aquifer. The bill would also create a special dedicated account and require that all fees collected be deposited in that account for Edwards Aquifer programs only.

Methodology

The existing cap of \$2,000 per application has brought in an estimated annual revenue of \$622,000 to the TNRCC Water Quality Fund, whereas TNRCC's current annual program costs are \$911,250. By raising the cap for the application fee to \$5,000, this bill would allow for recovery of program costs that TNRCC currently incurs. TNRCC estimates annual revenues at \$991,300.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Water Quality Account/ GR-Dedicated 0153	Probable Savings/(Cost) from Water Quality Account/ GR-Dedicated 0153	Probable Revenue Gain/(Loss) from New - Edwards Aquifer Account	Probable Savings/(Cost) from New - Edwards Aquifer Account	Change in Number of State Employees from FY 1997

1998	(\$622,000)	\$911,250	\$991,300	(\$911,250)	0.0
1999	(622,000)	911,250	991,300	(911,250)	0.0
2000	(622,000)	911,250	991,300	(911,250)	0.0
2001	(622,000)	911,250	991,300	(911,250)	0.0
2002	(622,000)	911,250	991,300	(911,250)	0.0

Net Impact on General Revenue Related Funds:

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

No significant fiscal implication to units of local government is anticipated. The increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses.

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

WITNESS LIST

HB 1016
HOUSE COMMITTEE REPORT
Natural Resources Committee

February 26, 1997 - 3:00P

For:	Arnold, Mary M. (herself)
	Halty, Scott R. (SAWS)
	Labatt, Weir (EAA)
	Thuss, Michael F. (SAWS)
On:	Young, John (TNRCC)

SUMMARY OF COMMITTEE ACTION

HB 1016

February 26, 1997 3:00PM
Considered in public hearing
Testimony taken in committee
Amendment(s) considered in committee
Reported favorably as amended



AMENDMENT NO.

①

ADOPTED

APR 7 1997

Sharon Carter
Chief Clerk
House of Representatives

COMMITTEE AMENDMENT NO. 1

By: Counts

1 Amend HB 1016 in Section 1 by striking proposed subsection (h)
2 of Section 26.0461 of the Water Code, page 1, lines 10 through 13,
3 of the bill, and inserting the following words in its place:

4 "(h) A fee collected under this section shall be deposited in
5 the State Treasury to the credit of the water quality fund to be
6 used only for the commission's Edwards Aquifer programs."

2ND READING
ENGROSSMENT

By Puente

H.B. No. 1016

A BILL TO BE ENTITLED

AN ACT

1
2 relating to fees imposed for certain plans subject to Texas Natural
3 Resource Conservation Commission approval under the commission's
4 rules for the protection of the Edwards Aquifer.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 26.0461(d) and (h), Water Code, are
7 amended to read as follows:

8 (d) A fee imposed under this section may not be less than
9 \$100 or more than \$5,000 [~~\$2,000~~].

10 (h) A fee collected under this section shall be deposited in
11 the State Treasury to the credit of the water quality fund to be
12 used only for the commission's Edwards Aquifer programs.

13 SECTION 2. The importance of this legislation and the
14 crowded condition of the calendars in both houses create an
15 emergency and an imperative public necessity that the
16 constitutional rule requiring bills to be read on three several
17 days in each house be suspended, and this rule is hereby suspended,
18 and that this Act take effect and be in force from and after its
19 passage, and it is so enacted.

HOUSE ENGROSSMENT

By Puente

H.B. No. 1016

A BILL TO BE ENTITLED

AN ACT

relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 26.0461(d) and (h), Water Code, are amended to read as follows:

(d) A fee imposed under this section may not be less than \$100 or more than \$5,000 [~~\$2,000~~].

(h) A fee collected under this section shall be deposited in the State Treasury to the credit of the water quality fund to be used only for the commission's Edwards Aquifer programs.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

1-1 By: Puente (Senate Sponsor - Madla) H.B. No. 1016
1-2 (In the Senate - Received from the House April 9, 1997;
1-3 April 10, 1997, read first time and referred to Committee on
1-4 Natural Resources; May 9, 1997, reported favorably, as amended, by
1-5 the following vote: Yeas 10, Nays 0; May 9, 1997, sent to
1-6 printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Wentworth

1-8 Amend H.B. No. 1016 as follows:

1-9 (1) In Section 1 of the bill, strike the recitation
1-10 (House Engrossed Version, page 1, lines 27 and 28) and substitute:
1-11 Sections 26.0461(a), (d), and (h), Water Code, are amended to read
1-12 as follows:

1-13 (2) In Section 1 of the bill, immediately before
1-14 amended Subsection (d), Section 26.0461, Water Code (House
1-15 Engrossed Version, page 1, between lines 28 and 29), insert:

1-16 (a) The commission may impose fees for processing plans or
1-17 amendments to plans that are subject to review and approval under
1-18 the commission's rules for the protection of the Edwards Aquifer
1-19 and for inspecting the construction and maintenance of projects
1-20 covered by those plans.

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to fees imposed for certain plans subject to Texas Natural
1-24 Resource Conservation Commission approval under the commission's
1-25 rules for the protection of the Edwards Aquifer.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Sections 26.0461(d) and (h), Water Code, are
1-28 amended to read as follows:

1-29 (d) A fee imposed under this section may not be less than
1-30 \$100 or more than \$5,000 [~~\$2,000~~].

1-31 (h) A fee collected under this section shall be deposited in
1-32 the State Treasury to the credit of the water quality fund to be
1-33 used only for the commission's Edwards Aquifer programs.

1-34 SECTION 2. The importance of this legislation and the
1-35 crowded condition of the calendars in both houses create an
1-36 emergency and an imperative public necessity that the
1-37 constitutional rule requiring bills to be read on three several
1-38 days in each house be suspended, and this rule is hereby suspended,
1-39 and that this Act take effect and be in force from and after its
1-40 passage, and it is so enacted.

1-41 * * * * *

FAVORABLY AS AMENDED
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 1016
By Puente / Madala
(Author/Senate Sponsor)
5-9-97
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 5/6/97, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

- ☒ do pass with 1 amendments, and be printed
☐ do pass with _____ amendments, and be ordered not printed
☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Brown, Chairman	<input checked="" type="checkbox"/>			
Senator Barrientos, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Bivins			<input checked="" type="checkbox"/>	
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Haywood	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Lucio	<input checked="" type="checkbox"/>			
Senator Nixon	<input checked="" type="checkbox"/>			
Senator Ogden	<input checked="" type="checkbox"/>			
Senator Truan	<input checked="" type="checkbox"/>			
Senator Wentworth	<input checked="" type="checkbox"/>			
TOTAL VOTES	<u>10</u>		<u>1</u>	

COMMITTEE ACTION

S260 Considered in public hearing

S270 Testimony taken

Carell McGaral
COMMITTEE CLERK

Morgan
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with THREE signed copies of each committee amendment adopted
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center

H.B. 1016
By: Puente (Madla)
Natural Resources
5-8-97
Committee Report (Amended)

DIGEST

The Texas Natural Resource Conservation Commission (TNRCC) is authorized to impose fees for processing plans subject to review under TNRCC's rules for the protection of the Edwards Aquifer and the inspection of projects in those plans. The applicable TNRCC rules regulate activities having the potential for polluting the Edwards Aquifer and hydrologically connected surface streams. Currently, TNRCC has limited funds for the Edwards Aquifer program. Program fees specifically targeted for the Edwards Aquifer programs would help remedy the problem of limited funding for Edwards Aquifer pollution prevention. This bill will increase the maximum amount of the fee TNRCC may charge for processing plans and requires the fees to be used only for TNRCC's Edwards Aquifer programs.

PURPOSE

As proposed, H.B. 1016 increases the maximum amount of the fee the Texas Natural Resource Conservation Commission (TNRCC) may charge for processing plans, and requires the fees to be used only for TNRCC's Edwards Aquifer programs.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 26.0461(a), (d), and (h), Water Code, to authorize Texas Natural Resource Conservation Commission (TNRCC) to impose fees for inspecting the maintenance of certain projects. Prohibits a fee imposed under this section from being more than \$5,000, rather than \$2,000. Requires a fee collected under this section to be deposited in the State Treasury to the credit of the water quality fund to be used only for TNRCC's Edwards Aquifer programs.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

(1) On page 1, lines 6 and 7, strike the recitation and substitute "Sections 26.0461(a), (d), and (h), Water Code, are amended to read as follows:

(2) On page 1, between lines 7 and 8, immediately before Subsection (d), Section 26.0461, Water Code, insert:

(a) The commission may impose fees for processing plans or amendments to plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer and for inspecting the construction and maintenance of projects covered by those plans.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

May 7, 1997

To: Honorable J.E. "Buster" Brown, Chair
Committee on Natural Resources
Senate
Austin, Texas

IN RE: House Bill No. 1016,
Committee Report 2nd House, as
amended
By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by HB1016-Committee Report 2nd House,
as amended**

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would allow an increase, from \$2,000 to \$5,000, in the maximum fee that the Texas Natural Resources Conservation Commission (TNRCC) could impose to review and approve applications for real estate development over the Edwards Aquifer. The bill would require that all such fees currently collected and deposited to the Water Quality Account be used for TNRCC's Edwards Aquifer programs.

Methodology

The existing cap of \$2,000 per application has produced about \$622,000 in revenue for the Water Quality Account, whereas TNRCC's current annual program costs are \$911,250. By raising the application fee cap to \$5,000, this bill would allow TNRCC to recover current program costs. TNRCC estimates the annual revenue from the higher fee to be \$991,300.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Water Quality Account/ GR-Dedicated 0153	Probable Savings/(Cost) from Water Quality Account/ GR-Dedicated 0153
1998	\$991,300	(\$911,250)
1999	991,300	(911,250)
2000	991,300	(911,250)
2001	991,300	(911,250)
2002	991,300	(911,250)

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar fiscal implications are expected to continue as long as the legislation is in effect.

No significant fiscal implication to units of local government is anticipated.

Since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses, the increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments .

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

May 5, 1997

To: Honorable J.E. "Buster" Brown, Chair
Committee on Natural Resources
Senate
Austin, Texas

IN RE: House Bill No. 1016, As
Engrossed
By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1016-As Engrossed

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The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would allow an increase, from \$2,000 to \$5,000, in the maximum fee that the Texas Natural Resources Conservation Commission (TNRCC) could impose to review and approve applications for real estate development over the Edwards Aquifer. The bill would require that all such fees currently collected and deposited to the Water Quality Account be used for TNRCC's Edwards Aquifer programs.

Methodology

The existing cap of \$2,000 per application has produced about \$622,000 in revenue for the Water Quality Account, whereas TNRCC's current annual program costs are \$911,250. By raising the application fee cap to \$5,000, this bill would allow TNRCC to recover current program costs. TNRCC estimates the annual revenue from the higher fee to be \$991,300.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from	Probable Savings/(Cost) from Water
	Water Quality Account/ GR-Dedicated 0153	Quality Account/ GR-Dedicated 0153
1998	\$991,300	(\$911,250)
1999	991,300	(911,250)
2000	991,300	(911,250)
2001	991,300	(911,250)
2002	991,300	(911,250)

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
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1999	0
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2002	0

Similar fiscal implications are expected to continue as long as the legislation is in effect.

No significant fiscal implication to units of local government is anticipated.

Since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses, the increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments .

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

LEGISLATIVE BUDGET BOARD

Austin, Texas

**FISCAL NOTE
75th Regular Session**

March 4, 1997

To: Honorable David Counts, Chair
Committee on Natural Resources
House
Austin, Texas

IN RE: House Bill No. 1016,
Committee Report 1st House, as
amended

By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by HB1016-Committee Report 1st House,
as amended**

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

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Fiscal Analysis

This bill would allow an increase, from \$2,000 to \$5,000, in the maximum fee that the Texas Natural Resources Conservation Commission (TNRCC) could impose to review and approve applications for real estate development over the Edwards Aquifer. The bill would require that all such fees currently collected and deposited to the Water Quality Account be used for TNRCC's Edwards Aquifer programs.

Methodology

The existing cap of \$2,000 per application has produced about \$622,000 in revenue for the Water Quality Account, whereas TNRCC's current annual program costs are \$911,250. By raising the application fee cap to \$5,000, this bill would allow TNRCC to recover current program costs. TNRCC estimates the annual revenue from the higher fee to be \$991,300.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Water Quality Account/ GR-Dedicated 0153	Probable Savings/(Cost) from Water Quality Account/ GR-Dedicated 0153
1998	\$991,300	(\$911,250)
1999	991,300	(911,250)
2000	991,300	(911,250)
2001	991,300	(911,250)
2002	991,300	(911,250)

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar fiscal implications are expected to continue as long as the legislation is in effect.

No significant fiscal implication to units of local government is anticipated.

Since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses, the increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments .

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

75th Regular Session

February 25, 1997

To: Honorable David Counts, Chair
Committee on Natural Resources
House
Austin, Texas

IN RE: House Bill No. 1016
By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1016-As Introduced

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would allow an increase, from \$2,000 to \$5,000, in the maximum fee that the Texas Natural Resources Conservation Commission (TNRCC) could impose for the review and approval of applications for real estate development over the Edwards Aquifer. The bill would also create a special dedicated account and require that all fees collected be deposited in that account for Edwards Aquifer programs only.

Methodology

The existing cap of \$2,000 per application has brought in an estimated annual revenue of \$622,000 to the TNRCC Water Quality Fund, whereas TNRCC's current annual program costs are \$911,250. By raising the cap for the application fee to \$5,000, this bill would allow for recovery of program costs that TNRCC currently incurs. TNRCC estimates annual revenues at \$991,300.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Water Quality Account/ GR-Dedicated 0153	Probable Savings/(Cost) from Water Quality Account/ GR-Dedicated 0153	Probable Revenue Gain/(Loss) from New - Edwards Aquifer Account	Probable Savings/(Cost) from New - Edwards Aquifer Account	Change in Number of State Employees from FY 1997

1998	(\$622,000)	\$911,250	\$991,300	(\$911,250)	0.0
1999	(622,000)	911,250	991,300	(911,250)	0.0
2000	(622,000)	911,250	991,300	(911,250)	0.0
2001	(622,000)	911,250	991,300	(911,250)	0.0
2002	(622,000)	911,250	991,300	(911,250)	0.0

Net Impact on General Revenue Related Funds:

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

No significant fiscal implication to units of local government is anticipated. The increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses.

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

WITNESS LIST

HB 1016
SENATE COMMITTEE REPORT
Natural Resources Committee

May 6, 1997 - 2:00P

For: Cedillo, Rebecca Q. (San Antonio Water Syst.), San Antonio

On: Young, John (TNRCC), Austin

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 1016, by: Prete/Madla,
(Bill No.) (Author/Sponsor)
was heard by the Natural Resources Committee on 5/6, 1997,
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Carol M. Gard
(Clerk of the reporting committee)

IMPORTANT: A COPY OF THIS FORM AND ^{One (1) copy} ~~TEN TO COPIES~~ OF YOUR BILL/RESOLUTION
(**COMMITTEE PRINTED VERSION**) MUST BE DELIVERED TO THE ADMINISTRATION COMMITTEE
OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR
BASIS.

ADOPTED

MAY 19 1997

Letty Ling
Secretary of the Senate

COMMITTEE AMENDMENT NO. 1

Wentworth

Amend H. B. No. 1016 as follows:

(1) In Section 1 of the bill, strike the recitation (House Engrossed Version, page 1, lines 6 and 7) and substitute: Sections 26.0461(a), (d), and (h), Water Code, are amended to read as follows:

(2) In Section 1 of the bill, immediately before amended Subsection (d), Section 26.0461, Water Code (House Engrossed version, page 1, between lines 7 and 8), insert:

(a) The commission may impose fees for processing plans or amendments to plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer and for inspecting the construction and maintenance of projects covered by those plans.

*Statute
11/10/16
add proposed
version*

SENATE AMENDMENTS

2nd Printing

97 MAY 19 PM 7:21

HOUSE OF REPRESENTATIVES

By Puente

H.B. No. 1016

A BILL TO BE ENTITLED

AN ACT

relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 26.0461(d) and (h), Water Code, are amended to read as follows:

(d) A fee imposed under this section may not be less than \$100 or more than \$5,000 [~~\$2,000~~].

(h) A fee collected under this section shall be deposited in the State Treasury to the credit of the water quality fund to be used only for the commission's Edwards Aquifer programs.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

ADOPTED

MAY 19 1997

Letty Ling
Secretary of the Senate

COMMITTEE AMENDMENT NO. 1

Wentworth

Amend H. B. No. 1016 as follows:

(1) In Section 1 of the bill, strike the recitation (House Engrossed Version, page 1, lines 6 and 7) and substitute: Sections 26.0461(a), (d), and (h), Water Code, are amended to read as follows:

(2) In Section 1 of the bill, immediately before amended Subsection (d), Section 26.0461, Water Code (House Engrossed version, page 1, between lines 7 and 8), insert:

(a) The commission may impose fees for processing plans or amendments to plans that are subject to review and approval under the commission's rules for the protection of the Edwards Aquifer and for inspecting the construction and maintenance of projects covered by those plans.

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LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

May 7, 1997

To: Honorable J.E. "Buster" Brown, Chair
Committee on Natural Resources
Senate
Austin, Texas

IN RE: House Bill No. 1016,
Committee Report 2nd House, as
amended
By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1016-Committee Report 2nd House, as amended
--

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would allow an increase, from \$2,000 to \$5,000, in the maximum fee that the Texas Natural Resources Conservation Commission (TNRCC) could impose to review and approve applications for real estate development over the Edwards Aquifer. The bill would require that all such fees currently collected and deposited to the Water Quality Account be used for TNRCC's Edwards Aquifer programs.

Methodology

The existing cap of \$2,000 per application has produced about \$622,000 in revenue for the Water Quality Account, whereas TNRCC's current annual program costs are \$911,250. By raising the application fee cap to \$5,000, this bill would allow TNRCC to recover current program costs. TNRCC estimates the annual revenue from the higher fee to be \$991,300.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Water Quality Account/ GR-Dedicated 0153	Probable Savings/(Cost) from Water Quality Account/ GR-Dedicated 0153
1998	\$991,300	(\$911,250)
1999	991,300	(911,250)
2000	991,300	(911,250)
2001	991,300	(911,250)
2002	991,300	(911,250)

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar fiscal implications are expected to continue as long as the legislation is in effect.

No significant fiscal implication to units of local government is anticipated.

Since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses, the increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments .

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

75th Regular Session

May 5, 1997

To: Honorable J.E. "Buster" Brown, Chair
Committee on Natural Resources
Senate
Austin, Texas

IN RE: House Bill No. 1016, As
Engrossed
By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1016-As Engrossed

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would allow an increase, from \$2,000 to \$5,000, in the maximum fee that the Texas Natural Resources Conservation Commission (TNRCC) could impose to review and approve applications for real estate development over the Edwards Aquifer. The bill would require that all such fees currently collected and deposited to the Water Quality Account be used for TNRCC's Edwards Aquifer programs.

Methodology

The existing cap of \$2,000 per application has produced about \$622,000 in revenue for the Water Quality Account, whereas TNRCC's current annual program costs are \$911,250. By raising the application fee cap to \$5,000, this bill would allow TNRCC to recover current program costs. TNRCC estimates the annual revenue from the higher fee to be \$991,300.

The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Water Quality Account/ GR-Dedicated	Probable Savings/(Cost) from Water Quality Account/ GR-Dedicated
	0153	0153
1998	\$991,300	(\$911,250)
1999	991,300	(911,250)
2000	991,300	(911,250)
2001	991,300	(911,250)
2002	991,300	(911,250)

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar fiscal implications are expected to continue as long as the legislation is in effect.

No significant fiscal implication to units of local government is anticipated.

Since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses, the increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments .

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 4, 1997

To: Honorable David Counts, Chair
Committee on Natural Resources
House
Austin, Texas

IN RE: House Bill No. 1016,
Committee Report 1st House, as
amended
By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by HB1016-Committee Report 1st House, as amended
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The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would allow an increase, from \$2,000 to \$5,000, in the maximum fee that the Texas Natural Resources Conservation Commission (TNRCC) could impose to review and approve applications for real estate development over the Edwards Aquifer. The bill would require that all such fees currently collected and deposited to the Water Quality Account be used for TNRCC's Edwards Aquifer programs.

Methodology

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The probable fiscal implication of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

5

Five Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from Water Quality Account/ GR-Dedicated 0153	Probable Savings/(Cost) from Water Quality Account/ GR-Dedicated 0153
1998	\$991,300	(\$911,250)
1999	991,300	(911,250)
2000	991,300	(911,250)
2001	991,300	(911,250)
2002	991,300	(911,250)

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar fiscal implications are expected to continue as long as the legislation is in effect.

No significant fiscal implication to units of local government is anticipated.

Since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses, the increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments .

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

February 25, 1997

To: Honorable David Counts, Chair
Committee on Natural Resources
House
Austin, Texas

IN RE: House Bill No. 1016
By: Puente

From: John Keel, Director

In response to your request for a Fiscal Note on HB1016 (Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation Commission approval under the commission's rules for the protection of the Edwards Aquifer.) this office has determined the following:

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1998	(\$622,000)	\$911,250	\$991,300	(\$911,250)	0.0
1999	(622,000)	911,250	991,300	(911,250)	0.0
2000	(622,000)	911,250	991,300	(911,250)	0.0
2001	(622,000)	911,250	991,300	(911,250)	0.0
2002	(622,000)	911,250	991,300	(911,250)	0.0

Net Impact on General Revenue Related Funds:

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

No significant fiscal implication to units of local government is anticipated. The increase in the maximum fee amount for undertaking development over the Edwards Aquifer will not have a significant fiscal implication for local governments since the majority of the applicants for development of real estate over the Edwards Aquifer are private individuals and businesses.

Source: Agencies: 582 Natural Resources Conservation Commission

LBB Staff: JK, BB, NT

ENROLLED

H.B. No. 1016

1 AN ACT

2 relating to fees imposed for certain plans subject to Texas Natural
3 Resource Conservation Commission approval under the commission's
4 rules for the protection of the Edwards Aquifer.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 26.0461(a), (d), and (h), Water Code,
7 are amended to read as follows:

8 (a) The commission may impose fees for processing plans or
9 amendments to plans that are subject to review and approval under
10 the commission's rules for the protection of the Edwards Aquifer
11 and for inspecting the construction and maintenance of projects
12 covered by those plans.

13 (d) A fee imposed under this section may not be less than
14 \$100 or more than \$5,000 [~~\$2,000~~].

15 (h) A fee collected under this section shall be deposited in
16 the State Treasury to the credit of the water quality fund to be
17 used only for the commission's Edwards Aquifer programs.

18 SECTION 2. The importance of this legislation and the
19 crowded condition of the calendars in both houses create an
20 emergency and an imperative public necessity that the
21 constitutional rule requiring bills to be read on three several
22 days in each house be suspended, and this rule is hereby suspended,
23 and that this Act take effect and be in force from and after its
24 passage, and it is so enacted.

H.B. No. 1016

President of the Senate

Speaker of the House

I certify that H.B. No. 1016 was passed by the House on April 8, 1997, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1016 on May 21, 1997, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1016 was passed by the Senate, with amendments, on May 19, 1997, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 1016⁽¹⁾ was passed by the House on

April 8⁽²⁾, 1997, by a non-record vote;

and that the House concurred in Senate amendments to H.B. No. 1016
on May 21⁽³⁾, 1997, by a non-record vote.

Chief Clerk of the House

**** Preparation: CT47;

I certify that H.B. No. 1016⁽¹⁾ was passed by the Senate, with

amendments, on May 19⁽²⁾, 1997, by the

following vote: Yeas 31⁽³⁾, Nays 0⁽⁴⁾.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT32;

H.B. No.

1016

By

Abel R Puente

A BILL TO BE ENTITLED
AN ACT

Relating to fees imposed for certain plans subject to Texas Natural Resource Conservation
Commission approval under the commission's rules for the protection of the Edwards Aquifer.

FEB 5 1997

Filed with the Chief Clerk

FEB 10 1997

Read first time and referred to Committee on Natural Resources

FEB 26 1997

Reported favorably (as amended)
(as-substituted)

MAR 6 1997

Sent to Committee on (Calendars)
(Local & Consent Calendars)

APR 7 1997

Read second time (~~as-subst.~~) (amended); passed to third reading ~~(unanimous consent)~~ by a (non-record vote)
(~~record vote of~~ yeas, nays, present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of yeas, nays, present, not voting

APR 8 1997

Read third time (~~as-subst.~~) (~~amended~~); finally passed (~~unanimous consent~~) by a (non-record vote)
(~~record vote of~~ yeas, nays, present, not voting)

APR 8 1997

Engrossed

APR 9 1997

Sent to Senate

S Sharon Carter

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

4/9/97

Received from the House

4/10/97

Read and referred to Committee on NATURAL RESOURCES

MAY 09 1997

Reported favorably as amended

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 19 1997

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(yeas, nays)

MAY 19 1997

Read second time, amended, and passed to third reading by (unanimous consent)
(a viva voce vote)
(yeas, nays)

MAY 19 1997

Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 19 1997

Read third time, amended, and passed by (a viva voce vote)
(31 yeas, 0 nays)

5-19-97

Returned to the House

Betty King

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 19 1997

Returned from the Senate (with amendments)

MAY 21 1997

House concurred in Senate amendments by a (non-record vote)

House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: _____, Chair; _____,

Senate granted House request. Senate conferees appointed: _____, Chair; _____,

Conference committee report adopted (rejected) by the House by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote) (record vote of _____ yeas, _____ nays)

97 MAR -5 AM 11:55

HOUSE OF REPRESENTATIVES

97 MAY 19 PM 7:21
HOUSE OF REPRESENTATIVES